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January 23, 2023

VIA ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Application granted
1/30/23 Conference cancelled.
Briefing schedule adopted.
No Rule 56.1 Statement
required. So ordered
1/23/23 J. G. Koeltl
U.S.D.J.

Re: *H.W.. et al. v. New York City Dep't of Educ.* 22-cv-3282(JGK)(KHP)

Dear Judge Koeltl:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. ("IDEA"), as well as for this action.

I write to request that the initial conference scheduled in this matter be adjourned *sine die*. Plaintiff consents to this request. As laid out in the Rule 26(f) report submitted by the parties and endorsed by Your Honor, this matter will not require discovery or trial. Liability is not at issue, and the only matter left to be determined is the reasonableness of Plaintiff's fee request. As such, the parties respectfully request that a briefing schedule for Plaintiff's fee motion be set in lieu of an initial conference.

The parties respectfully propose the following briefing schedule:

- Plaintiffs' fee motion due February 3, 2023
- Defendant's opposition due March 6, 2023
- Plaintiff's reply, if any, due March 20, 2023

Relatedly, the parties respectfully request that the forthcoming motion papers comport with the scope of FRCP 54 (d)(2)(A), so to avoid unnecessary Local Rule 56.1 statements. Given that liability is not at issue in this IDEA fees matter (only the reasonableness of billed fees and costs), by limiting the motion papers in scope, the parties can avoid burdening the Court with unnecessary

submissions, and also avoid any further unnecessary fees that would certainly be incurred if parties were required to draft a Rule 56.1 statements and responses.

Thank you for considering this submission.

Respectfully submitted,

/s/

Thomas Lindeman
Special Assistant Corporation Counsel

cc: William DeVinney (via ECF)